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New York

President: Mr. Razali Ismail ..... (Malaysia)

The meeting was called to order at 10.25 a.m.

Agenda item 24

Law of the sea

(a) Law of the sea

(b) Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

(c) Large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas; unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas; and fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources

Reports of the Secretary-General (A/51/383, A/51/404, A/51/645)

Draft resolutions (A/51/L.21, A/51/L.28, A/51/L.29)

The President: I call on the representative of New Zealand to introduce draft resolutions A/51/L.21, A/51/L.28 and A/51/L.29.

Ms. Wong (New Zealand): Agenda item 24 is a consolidation of issues relating to oceans and the law of the sea, including fisheries. I have the honour to introduce the three reports and three draft resolutions we have before us.

Under agenda item 24 (a), document A/51/645 contains a very welcome and comprehensive report on the law of the sea. The Secretary-General is to be specifically commended. The report is the single means by which the international community reflects on all the issues relating to the oceans today. It provides the framework for our discussions, drawing together the global developments relating to the vast ocean areas of our world.

The fundamental importance of the Convention for international peace and security, the peaceful settlement of disputes, the sustainable development of marine resources and the protection of the environment is underpinned by the report and the Secretary-General's role arising from the Convention. In this regard, resolution 49/28 was a landmark setting out this mandate. In draft resolution A/51/L.21 now before us, paragraphs 9, 15 and 16, among other things, express appreciation for this annual report and reiterate the request for a report for the fifty-second session.

The overall implementation of the Convention is the focus of the central programme on oceans at the United Nations. The oceans programme focuses on monitoring State practice and providing information, advice and

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assistance on the uniform and consistent application of the Convention for States and international organizations. It also supports efforts that help States implement the Convention more effectively. In the context of the current United Nations reforms and scarcity of resources, we must ensure that the Division for Ocean Affairs and the Law of the Sea continues to receive priority and adequate resourcing.

The Secretary-General is encouraged to maintain the commitment to the Division and to fill what vacancies remain as soon as possible and with similarly able and talented staff to complement the existing staff. This is important now that the Convention has entered into force. Our substantive requests to the Secretary-General are contained in paragraphs 10, 11 and 13 of the draft resolution before us.

The General Assembly and the Secretary-General play a central role in this framework. They cement together the means by which the Convention is a reality for us and provide the framework for dealing with emerging issues. The importance of the General Assembly's providing oversight assumes even greater significance with the universal acceptance of the Convention. As the report notes, this debate needs to involve the consideration of which intergovernmental forum we choose to discuss particular issues of direct importance to the Convention. Paragraph 14 of the draft resolution reaffirms this decision to undertake an annual review and evaluation.

A period of consolidation has followed the entry into force of the Convention in late 1994, a period in which we have focused on establishing the new institutions called for under the Convention. There have been important developments relating to the International Tribunal for the Law of the Sea. The eighth preambular paragraph welcomes the establishment of the Tribunal at Hamburg, Germany, in October 1996. The ninth preambular paragraph notes the decisions taken by State parties to the Convention facilitating the organization of the Tribunal.

These include several important decisions: the adoption of the initial budget of the Tribunal for the period August 1996 to December 1997 by the fourth Meeting of States parties in March 1996; the approval of a provisional scale for apportionment of the budget among States parties; the adoption of the procedure for the election of the judges; and the election of the judges by 100 States parties at the fifth Meeting of States parties.

Twenty-one prominent jurists have been elected and are now serving as the first judges of the Tribunal. When the Tribunal was convened at its first organizational session in October, it elected its President, Thomas Mensah of Ghana, Vice-President, Registrar and Deputy Registrar.

An inaugural session was held on 18 October 1996 at Hamburg, where the judges made solemn declarations in the presence of a large gathering of dignitaries. The Tribunal has now established its chamber of summary procedure and has taken the necessary decisions to enable it to deal with cases or applications that may be submitted to it.

The thirteenth preambular paragraph emphasizes the importance of making adequate provisions for the efficient functioning of the institutions established by the Convention, which include the International Tribunal for the Law of the Sea. Operative paragraph 6 requests the Secretary-General to convene the meetings of States parties from 10 to 14 March and from 19 to 23 May 1997, which have on their agenda the privileges and immunities and the next budget of the Tribunal.

Operative paragraph 7 requests the Secretary-General to continue to provide assistance to those new institutions and requests the Secretary-General to conclude relationship agreements between the Tribunal and the United Nations, and between the International Seabed Authority and the United Nations.

The eleventh preambular paragraph recalls article 287 of the Convention, which sets out the choice of means for the settlement of disputes, while operative paragraph 8 encourages States parties to consider making a written declaration choosing from the means set out in article 287 of the Convention for the settlement of disputes concerning its application or interpretation.

Important new developments have also occurred in relation to the International Seabed Authority, including the election of the Council and the Secretary-General of the Authority, His Excellency Mr. Satya Nandan of the Pacific, whom my delegation wishes especially to mention; the election of the Finance Committee and the approval of a budget for the Authority for 1997; the election of the President of the Council and of the Legal and Technical Commission; and the adoption of the rules of procedure of the Council. The draft resolution welcomes these developments and notes the decisions taken by the Assembly and the Council. The Authority

has also recently been accorded observer status at the United Nations.

Operative paragraph 4 recalls the decision to fund the budget for the administrative expenses of the Authority initially from the regular budget of the United Nations. This matter is currently before the Fifth Committee for approval. Operative paragraph 11 requests the Secretary-General to ensure that the institutional capacity of the United Nations adequately responds, among other things, to the newly established institutions by providing advice and assistance.

There is an important new element in operative paragraph 2 of the draft resolution, calling on States to ensure that any declarations or statements they make when ratifying or acceding to the Convention are in conformity with the Convention, given that articles 309 and 310 prohibit the making of reservations to the Convention. In his report to the fifty-second session, the Secretary-General could include information about such declarations.

The sixteenth preambular paragraph notes with appreciation the Secretariat's development on the Internet of a home page and of useful means for obtaining information dealing with various aspects of the oceans.

The nineteenth preambular paragraph also notes the recommendation of the Commission on Sustainable Development, endorsed by the Economic and Social Council, concerning international cooperation and coordination in the implementation of chapter 17 of Agenda 21, while the twentieth preambular paragraph notes the Washington Declaration and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

Finally, operative paragraph 17 inscribes an item in the provisional agenda of the Assembly's fifty-second session entitled "Oceans and the law of the sea". This represents a welcome broadening of the annual debate aimed at the consideration of new issues which may be of concern.

With regard to agenda item 24 (b), the General Assembly has before it two reports and two draft resolutions devoted to fisheries issues. The first report, contained in document A/51/383, deals with the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. This report contains valuable information from a variety of sources, including an important contribution by the World Wide Fund for Nature noting the need to focus on excess fleet capacity and subsidies.

The draft resolution contained in document A/51/L.28 evaluates developments relating to straddling fish stocks and highly migratory fish stocks one year after the adoption of the Agreement. It calls upon all States and other entities to become parties to this important Agreement and to consider applying it provisionally.

The draft resolution expresses concern that various stocks of straddling fish and highly migratory fish remain subject to heavy fishing and overexploitation. It urges States and other entities that have not done so to consider taking measures to implement the provisions of the Agreement. It also recognizes and welcomes the fact, nonetheless, that a growing number of States and other entities, as well as regional and subregional fisheries organizations, have taken various steps to implement the Agreement and urges them to enforce those measures fully.

The draft finally requests the Secretary-General to report on further developments relating to the conservation and management of the two fish stocks at the fifty-second session of the General Assembly, and biennially thereafter, on the basis of information provided by all parties to ensure as comprehensive a report as possible.

The second fisheries report we have before us, in document A/51/404, deals with large-scale pelagic drift-net fishing; unauthorized fishing in zones of national jurisdiction; and fisheries by-catch and discards. The Secretary-General is also to be commended on this report. But it shows that the global moratorium on the destructive practice of drift-net fishing may be being breached.

The second draft resolution on fisheries, contained in document A/51/L.29, reaffirms previous General Assembly resolutions, such as resolution 46/215 relating to large-scale pelagic drift-net fishing, resolution 49/116 concerning unauthorized fishing in zones of national jurisdiction and resolution 49/118 on fisheries by-catch and discards, as well as other resolutions, including resolution 50/25 of 5 December 1995 relating to all three matters.

The draft resolution acknowledges the progress made in the implementation of resolution 46/215 on drift-net fishing and recognizes the efforts that members of the international community have made to reduce by-catch and discards in fishing operations. However, this draft resolution expresses deep concern that there are continuing reports of activities inconsistent with the terms of resolution 46/215 and that unauthorized fishing inconsistent with the terms of resolution 49/116 continues to be a problem around the world. This is unacceptable.

The draft resolution urges all authorities of members of the international community to take greater responsibility for enforcement to ensure full compliance with the moratorium on drift-net fishing and to impose appropriate sanctions, consistent with their obligations under international law, against acts contrary to the terms of that moratorium. The draft also calls upon States to take measures to ensure that no fishing vessels entitled to fly their national flag fish in areas under the national jurisdiction of other States unless they are duly authorized by the competent authorities of the coastal States concerned. All who are engaged in fisheries must comply with the United Nations Convention on the Law of the Sea and resolution 49/116 in this regard.

In addition, States, relevant international organizations and fisheries management organizations are urged to reduce by-catch, fish discards and post-harvest losses. This is required by international law and relevant international instruments, including the Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries. A call is also made to development assistance organizations to provide financial and technical support to the efforts of developing countries, so that they may improve the monitoring and control of fishing activities, as well as the enforcement of fishing regulations. It is vital that the international community support the efforts of developing countries to monitor and manage their national fisheries resources.

Finally, the draft resolution requests the Secretary-General to submit to the General Assembly at its fifty-second session, and biennially thereafter, a report on further developments relating to the implementation of resolutions 46/215, 49/116 and 49/118.

I wish to thank the United States delegation for coordinating and overseeing the development of these two draft fisheries resolutions with other interested delegations. They are to be adopted by consensus. I also wish to thank the staff of the Division for Ocean Affairs and the Law of the Sea on the very high level of dedication to the matters before us today and for their assistance in our work. I recognize and thank all those delegations which played a role in the drafting of these resolutions and commend them to you for adoption today.

Mr. de Silva (Sri Lanka): It is almost 14 years to the day since the Convention on the Law of the Sea was opened for signature at Montego Bay, Jamaica, on 10 December 1982. It came into force in November 1994, nearly 12 years later. It is indisputably one of the major achievements of the United Nations and has come to be regarded as a multilateral instrument that holds out great promise and vast potential for the maintenance of peace, an equitable basis for sharing the resources of the world's oceans and a means for securing economic and social progress for all the peoples of the Earth. But that promise still awaits fulfilment, and the potential that was foreseen is yet to be realized. This is especially so for the countries of the developing world.

The General Assembly also unanimously adopted the Declaration of Principles Governing the Seabed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction, which states that the seabed and the ocean floor, and the subsoil thereof that lie beyond the limits of national jurisdiction, as well as the resources of that area, are the "common heritage of mankind" (*resolution 2749 (XXV) para. 1*), to be reserved for peaceful purposes, not subject to national appropriation and not to be explored or exploited except under the international regime that was to be established. For many developing countries, however, that Declaration, too, is still in the nature of a last will and testament that has yet to be proved and the benefits of which have yet to be distributed among the beneficiaries. These countries lack the financial capacity and resources and the necessary scientific and technological capability to enjoy the fruits of their own inheritance, which still remains a distant dream.

The regime for the oceans offers many attractive prospects, especially for developing countries, in many vital areas: as a source for supplying nutritional needs, energy requirements and raw materials. Given the paucity of existing resources, to many of these countries the ocean appears to be the only feasible avenue that will enable them to eradicate malnutrition and poverty and raise the living standards of the poor.

Despite this awareness of the development potential of the marine sector, there are many impediments that

stand in the way of realizing these objectives. Principally, it is the absence of the requisite financial capacity to set in motion the processes necessary for the realization of their aims. The level of international financing necessary for this purpose is inadequate. The national priorities of most developing States tend to exhaust available financial resources, with the result that funding for activity at the optimum level for development of the ocean sector is found to be lacking. The richer nations are at a distinct advantage, being in possession of advanced technology, while these innovations are beyond the reach of the poorer countries. Exploitation of ocean resources needs to take account of various environmental dangers and threats to ocean ecology. In order to overcome such hazards, these countries need trained personnel equipped with the necessary skills.

The Convention on the Law of the Sea recognizes the need to promote the development of the marine scientific and technological capacity of the developing States. They encompass a whole range of activities involving the exploration, exploitation, conservation and management of marine resources, the protection and preservation of the marine environment and marine scientific research, all of which necessarily contribute to the social and economic development of the developing States.

I am conscious of the fact that many delegations have in this very Hall urged the General Assembly to call attention to this need, and the General Assembly has in turn called upon the Secretary-General to undertake such assistance to States for the implementation of the Convention, in order to enable the full realization of the benefits of the comprehensive legal regime established by the Convention. But it is a point that bears repetition and needs reiteration. Such an enterprise no doubt calls for collective and concerted efforts involving the participation of national, subregional and regional efforts towards the achievement of these objectives. More importantly, it is imperative that all the organs and organizations of the United Nations system cooperate and lend assistance in these endeavours.

In this joint enterprise, however, it is also necessary to stress the need to ensure that no harm is caused to the marine environment. The Convention does stress the need to protect the marine environment and the obligations of the international community to cooperate in the conservation of living marine resources. This includes the prevention and abnegation of the use of fishing techniques and practices that can have an adverse impact on the conservation and management of living marine resources.

While bilateral aid from donor countries, support from governmental agencies, assistance from international agencies, international development and aid institutions have an important role in supplementing national and regional endeavours in this regard, it is essential that due importance be given to development mechanisms that are better able to cope with the transboundary movement of marine resources and to address the transboundary nature of marine environmental problems. Regional measures have been able to contribute significantly to national ocean development through the sharing of expertise, experience, facilities and infrastructure. Regional cooperation also facilitates conservation and management of living resources, the assessment of non-living resources and vital research programmes in this field. In this connection, it is appropriate that I call attention to the pioneering role of the Indian Ocean Marine Affairs Cooperation (IOMAC), which owes its origin to the initiative of Sri Lanka. This body needs our active support. It needs strengthening and revitalizing and must function at a quickened pace if it is to fulfil its expected role in the Asian-African region. Although it is often stressed that States have achieved greater success through regional initiatives in gaining access to international assistance, both economic and technical, these expectations have yet to be fully realized in the case of IOMAC, which has functioned now for over a decade.

Developing countries, and especially island States, have always had a vital stake in the protection of their fishing rights in areas of their particular concern. To some extent they have been disadvantaged by the activities of developed States equipped with large and technologically advanced fishing fleets. The loss and damage sustained through overexploitation by foreign fishing vessels backed by large-scale commercial interests, causing heavy depletion, if not exhaustion, of local fishing stocks, can have serious effects on their economies and the well-being of their peoples. It is necessary to be on guard against subtle modes of injuring the long-term interests of those countries that are directly concerned. We would naturally expect the Indian Ocean Tuna Commission to ensure due compliance with the internationally agreed regulatory measures for the conservation of these resources in the Indian Ocean. It is necessary that this body be fully representative of the countries that have long-term interests in this region, rather than be dominated by those from far-off lands.

During the past year, the 1994 Agreement relating to the Implementation of Part XI of the Convention came into force; and the establishment of the Council of the

International Seabed Authority is an important development. Likewise, the inauguration of the International Tribunal for the Law of the Sea, with the election of the Judges of the Tribunal that will sit in Hamburg, is a noteworthy development, and we trust that it will make a significant contribution to jurisprudence in this field of law.

In conclusion, I should like to thank the Secretary-General and his staff, and especially the United Nations Division for Ocean Affairs and Law of the Sea, for a very comprehensive report and review of the work done in this area.

Mr. Edwards (Marshall Islands): In my country's capacity as Chair of the South Pacific Forum, I have the honour to make a statement of a regional nature on behalf of the Forum members that are also Members of the United Nations. The members of that group may make additional statements as the debate progresses.

We are representatives of what has been called the aquatic continent. Our cultures and way of life are totally linked to the ocean, its currents and its bounty. For thousands of years we have relied on the sea for much of our livelihood. It is only in the last 100 years that we have seen serious encroachment on our very valuable resources. It was through concern over the loss of resources in other parts of the world, coupled with a fear that we might be seeing similar events happen in the Pacific, that some of our more prominent diplomats and officials became involved in the process of the United Nations Convention on the Law of the Sea. The proud heritage of the Pacific has been capped this year by the election of Ambassador Satya Nandan of Fiji to the post of Secretary-General of the International Seabed Authority. We are very pleased that the international community has honoured Fiji and our region in this way.

As is well known, Ambassador Nandan was a most able Chairman of the process which led to the adoption of the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. The process was fully supported by our delegations. Our deep involvement has continued this year, when our group of countries has been very actively involved in the formulation of the draft resolutions under all the sub-items before us. This important process has been rewarding in that we have a set of very balanced yet forward-looking texts. The delegations of the United States and New Zealand are to be thanked for their efforts in this regard.

We are now in the process of reviewing progress on a number of related issues under the United Nations Convention on the Law of the Sea, including fisheries conservation and management and efforts to reduce the incidence of illegal fishing practices. We are in full agreement with the draft resolution (A/51/L.21) now before us, which encourages all States that have made declarations upon signature, ratification or accession to review those declarations. In our view this is important in the light of articles 309 and 310 of the Convention, and there should be no doubt about the commitment of States to the Convention as an integral whole. We are also of the view that a similar principle applies to declarations made upon signature of the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks. Our group wishes to reiterate the importance which our region has placed on the effectiveness of an international legal regime for oceans and their resources, including, in our view, providing adequate financial resources to the International Seabed Authority in Kingston, Jamaica. Furthermore, we need to maintain as far as possible the present level of resources for the Division for Ocean Affairs and the Law of the Sea here in New York, particularly at the important implementation phase now that the Convention has entered into force.

The world's seas and oceans are the common heritage of mankind, and together with the deep seabed are among our last frontiers. It is therefore in our interest to ensure that the International Seabed Authority is appropriately funded so as to accomplish its responsibilities and functions. There may also be a need to strengthen the Authority to take on fully the monitoring of seabed mining activities so as to ensure against the adverse environmental impact of current exploration and subsequent mining and related activities. It is relevant to note that the Authority will discuss mining codes at its March 1997 meeting.

My delegation warmly welcomes and fully supports the recommendation of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) for the provision of some $4 million for the Authority for the year 1997. The budget will cover the administrative expenses of the secretariat of the Authority of over $2.5 million and the costs of conference servicing in the sum of $1.5 million. As stated in the report of the Advisory Committee, the conference-servicing costs will be provided within the existing provisions for that purpose. It is only the administrative expenses that have to be decided by the General Assembly. We are of the view

that, if necessary, this sum could be provided out of the Contingency Fund, as recommended by ACABQ.

The budget of the Authority is based on the careful and thorough examination carried out by the Finance Committee, the Council and the Assembly of the International Seabed Authority. Our delegations therefore fully support the proposed 1997 budget of the Authority and call upon all members of the General Assembly to give their full support to this budget.

This year at the regional meeting of the Forum hosted by my Government, the Forum leaders underscored the importance which Pacific fish stocks have for international trade and our livelihood. We recognize that this important resource must be managed sustainably to maximize its benefits to our region. In this connection, the Forum leaders have requested our regional experts to develop comprehensive agreements for the sustainable management of the region's fisheries across the full geographical range of the stocks, including the high seas, taking into account the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks opened for signature in New York last year. The Republic of the Marshall Islands has offered to host a second High-Level Multilateral Consultation on the Conservation and Management of Fisheries Resources of the Central Western Pacific next year to advance this process. This ministerial meeting will discuss a number of issues, including restocking, improved dialogue with interested countries in our region on matters relating to conservation and management, data-gathering on the range of the stocks, and trans-shipments.

There are therefore some very crucial elements which we must take note of regarding these draft resolutions before us. First, we must call upon all States to seek to become parties to all of these important treaties. Secondly, we must have strict and complete compliance by all interested countries in observing sustainable management and use of the natural resources of the oceans and seas. Thirdly, the international community must support efforts at the regional level which seek to establish a working, realistic framework for the management of resources at that level. In this regard, we draw attention to part VII of the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks, which calls upon States and international organizations to provide financial and technical assistance to developing countries to implement that Agreement at the national and regional levels. Accordingly, we call upon members of the international community, and especially those that fish in our region, to provide the necessary financial and technical assistance to help facilitate the successful outcome of the regional meeting in the Marshall Islands. We intend to lodge this as an official request in the coming days.

Fourthly, we and many other concerned Governments have noted that there is a need for a more inclusive discussion of the issues related to the Law of the Sea. We therefore welcome the broadening of the agenda item at the next session, to be entitled "Oceans and the law of the sea". We are also pleased to see the provision, in draft resolution A/51/L.21, for a forward-looking agenda in that new and emerging issues can be discussed under this item. For us in the Marshall Islands this is particularly important because of the problems we have faced as a result of nuclear contamination. We are still not satisfied that all the necessary safeguards have been put in place to prevent leakage from other test sites in the Pacific. Moreover, we have been alerted to new issues such as endocrine disrupters, and we will continue to study this with interest.

The draft resolution before us on large-scale pelagic drift-net fishing, unauthorized fishing in zones under national jurisdiction and fisheries by-catch and discards draws attention to a number of damaging practices that continue to threaten a sustainable future for the world's living marine resources.

We, the States of the Forum, were at the forefront of international efforts to bring drift-net fishing to an end, both regionally and globally. The international community must remain ready to respond swiftly and strongly to any evidence that the global moratorium on this destructive practice is being breached. Accordingly, we will continue to monitor developments in this area closely.

Unauthorized fishing in zones under national jurisdiction also continues to be a problem around the world. The Pacific area we inhabit is characterized by vast areas of ocean within our exclusive economic zones. Ensuring effective compliance with our fisheries laws requires effective monitoring and surveillance. It is therefore vital that the international community also supports regional efforts at surveillance of the fisheries resources, as well as further research into the state of the different stocks of fish around the world. Our belief is that sustainable conservation and management, through regional and subregional cooperation in accordance with the provisions of the relevant international instruments, presents the only viable option for the international

community. We are committed to working together with other Members of the United Nations to secure that goal.

Mr. Wilmot (Ghana): Ghana welcomes the Secretary-General's reports on the Law of the Sea as contained in documents A/51/645, A/51/404 and A/51/383. The reports are well written and quite comprehensive, and we thank the Secretary-General and the Division for Ocean Affairs and the Law of the Sea for them.

The entry into force of the United Nations Convention on the Law of the Sea in 1994 was a great event for the international community. It constituted a significant step forward in the evolution of a legal regime to govern matters of the sea. The implementation of the Convention necessarily involves the establishment of the institutions created under the Convention, and also the coordination and harmonization of the legal issues and policy matters arising from the Convention.

The process or establishing the institutions is near completion. Matters concerning specific aspects of the ocean and related developments which affect Member States, particularly developing countries, will now have to be addressed. My delegation is confident that the spirit of compromise and mutual accommodation which characterized the institution-building phase of our collective endeavours will also be reflected at this stage.

The Secretary-General of the United Nations, serving as the coordinating bureau on ocean affairs and the law of the sea, has a crucial role to play in the overall implementation of the Convention. The United Nations, we believe, is suitably placed to ensure the initiation of policy objectives which will enhance the capacity of developing countries fully to utilize the benefits conferred on them under the Convention on the Law of the Sea.

In this connection, my delegation is pleased to note that the reports before us focus at length on the sustainable development of marine resources and the protection of the marine environment. The obligation to protect the marine environment and other related issues has been addressed by a large number of legal instruments at both the global and regional levels. These instruments recommend practices and procedures for marine environmental protection at various levels. However, we would urge all States parties to ensure that specific obligations assumed under separate treaty regimes are undertaken in a manner consistent with the general principles and objectives of the Convention. This would be in conformity with the provisions of paragraph 2 of article 237 of the United Nations Convention on the Law of the Sea, which provides as follows:

> "Specific obligations assumed by States under special conventions, with respect to the protection and preservation of the marine environment, should be carried out in a manner consistent with the general principles and objectives of this Convention."

Mr. Martinez Blanco (Honduras), Vice-President, took the Chair.

Uniformity and consistency of practices and regulation in this important sphere of the law of the sea are more likely to be reflected in other policy initiatives which seek to promote the development and maximum utilization of benefits deriving from the numerous uses of the ocean and the exploitation of its resources.

At this point, permit me to place on record Ghana's appreciation for the substantial work undertaken by the Commission on Sustainable Development, most particularly its review of chapter 17 of Agenda 21, which dealt with issues of substance in relation to the oceans, with specific reference to the marine environment.

We note with satisfaction that the recommendations of the Commission submitted to the General Assembly by the Economic and Social Council related to the following items: first, the establishment of institutional arrangements for the implementation of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; secondly, the introduction of periodic intergovernmental review of all aspects of the marine environment and related issues; thirdly, the implementation of international fishery instruments and progress made in improving the sustainability of fisheries; fourthly, ongoing review of the need for additional measures to address the issue of degradation of the marine environment from offshore oil and gas development.

We would urge closer collaboration between the various agencies and bodies handling issues relating to these specific areas. Such collaboration and cooperation would facilitate the formulation of practical recommendations for further consideration at the next session of the Commission for Sustainable Development.

Scientific and technological capacity is a vital factor in any attempt by States to deepen their knowledge of the

resources within their exclusive economic zones and to exploit these resources on a sustainable basis. It is, however, regrettable that in most developing countries this capacity is woefully inadequate or in most instances non-existent. Indeed, most developing countries do not even have the capacity to determine the resource content of their exclusive economic zones, nor can they protect or monitor its exploitation. Consequently, unscrupulous individuals and organizations literally steal from the exclusive economic zones of most developing countries. They combine reckless exploitation of living resources in these zones with the dumping of hazardous material and other equally repugnant activities contrary to international law and civilized conduct.

The situation calls for intensive efforts at multilateral and bilateral levels to equip developing countries with the requisite scientific and technological capacity to enable them to exploit the benefits due to them under the Convention as well as discharge their obligations thereunder. We accordingly welcome the substance of section XII of the Secretary-General's report (A/51/645) entitled "Technical cooperation and capacity-building in the law of the sea and ocean affairs".

We note with satisfaction that the Hamilton Shirley Amerasinghe Fellowship Programme continues to offer postgraduate research and training in the field of the law of the sea and related matters. We are grateful to the United Kingdom for its special contribution to the programme and urge other States in a position to do so to emulate the example of the United Kingdom.

Ghana also welcomes the new programmes on integrated coastal zone management. We are hopeful that this initiative will continue to receive support from the private sector. It is also our expectation that specialized bodies or agencies such as the United Nations Environment Programme (UNEP) and the United Nations Development Programme (UNDP) will increase their contribution to ensure the overall success of the programme and that they will also extend their activities to cover the development of country-specific programmes.

The progressive development of computer-generated information and databases on the law of the sea by the Division for Ocean Affairs and the Law of the Sea deserves commendation. It is particularly gratifying that the system has the capacity to monitor State practices. We commend all those whose efforts and sacrifices led to the realization of this goal. We have no doubt that the system will be of immense benefit to States, particularly those at the preparatory stages of their legislative process.

In conclusion, I wish once again to reiterate our appreciation for the Secretary-General's report on this subject. We believe that now is the time to strengthen our resolve and commitment to the overall effective implementation of the Convention. We must continue to highlight the importance of the Convention in our overall developmental effort. We must also expand our cooperation at all levels and on all aspects of the United Nations Convention on the Law of the Sea. My delegation supports the three draft resolutions introduced under this item.

Mr. Campbell (Ireland): I have the honour to speak on behalf of the European Union on agenda item 24, "Law of the sea". The following associated countries align themselves with this statement: Bulgaria, Cyprus, Czech Republic, Estonia, Romania and Slovakia.

The entry into force on 16 November 1994 of the United Nations Convention on the Law of the Sea constituted a remarkable legal and, indeed, on a wider plane, human achievement. It would be difficult to overstate the complexities of the negotiations leading to its adoption, and to the adoption and subsequent entry into force on 28 July 1996 of the Agreement relating to the Implementation of Part XI of the Convention, which facilitated wide acceptance of the two instruments as a package. It is thus a matter of considerable satisfaction that the number of States parties to the Convention has, in recent months, passed the significant number of 100 — it has now, I understand, reached 109 — including States from all geographical regions and representing a wide range of interests. Prospects are bright that the number will continue to increase and we hope that universal participation will not long be delayed.

In this respect, the Union has pleasure in reporting that the European Community expects to be in a position to become a party to the Convention. The necessary preparations are well advanced, including the preparation of the declaration on the competencies of the Community, as required under article 5, paragraph 1, of annex IX to the Convention and article 4, paragraph 4, of the Agreement.

The past 12 months have also seen advances in activity in regard to institutions provided for in the Convention. The Assembly of the International Seabed Authority held its second session, in the course of which

it elected the Council. Subsequently, it elected the Secretary-General of the Authority, Mr. Satya Nandan, from among the candidates nominated by the Council. Thus, all three principal organs of the Authority have now been constituted and have embarked upon their functions.

Among the further institutional decisions taken were the election by the Assembly of the Finance Committee and the election by the Council of one of its organs, the Legal and Technical Commission. The first annual budget of the Authority was also adopted. Last October the General Assembly granted the Authority observer status at the United Nations. Thus, there is a satisfactory picture of the International Seabed Authority organs tackling their tasks in a businesslike manner.

The fifth Meeting of States Parties to the Convention in July of this year also resulted in very important institutional progress in the form of the election of the 21 members of the International Tribunal for the Law of the Sea. The newly elected Judges made the requisite declarations, and the Tribunal was inaugurated in Hamburg on 18 October last. It is anticipated that at the next meeting of States Parties to the Convention the members of the Commission on the Limits of the Continental Shelf will be elected. The European Union welcomes these and other advances in the implementation of this extremely important Convention and looks forward to continuing advances.

The European Union has two particular observations to make in regard to the Convention. Its integrity is of vital importance, a point made eloquently and with great emphasis by Ambassador Koh, the President of the Third United Nations Conference on the Law of the Sea, at its concluding session. Thus, article 309 of the Convention prohibits reservations and exceptions other than the very few expressly permitted in other articles.

Although article 310 indicates that declarations or statements are permissible, the European Union wishes to reiterate the prohibition on States' making declarations or statements that purport to exclude or modify the legal effects of the provisions of the Convention in their application to those States.

Many declarations and statements have been made by States, and the European Union is concerned that many of these are not in conformity with the Convention. It therefore urges all States that have made statements or declarations to review them in the light of the provisions of articles 309 and 310 and to withdraw those that are not in conformity with those provisions. While, of course, any declaration or statement that purports to exclude or modify the legal effect of the provisions of the Convention is devoid of effect, its maintenance on the record is misleading. It may cast doubt on the commitment of the State concerned to the Convention and can only have a weakening effect on the Convention. We note that a number of States have made clear on the record the unacceptable nature of such statements and declarations. The Union welcomes in this respect paragraphs 2 and 3 of draft resolution A/51/L.21 and hopes that the next report of the Secretary-General will cover this matter.

The European Union regards part XV of the Convention, on the settlement of disputes, as an extremely important section, with its potential to prevent the escalation of disputes. We have, of course, already referred to the inauguration of the International Tribunal. Article 287 of the Convention sets out the several available means of settlement of disputes as follows: first, the International Tribunal for the Law of the Sea established in accordance with annex VI of the Convention; secondly, the International Court of Justice; thirdly, an arbitral tribunal constituted in accordance with annex VII of the Convention; and, lastly, a special arbitral tribunal constituted in accordance with annex VIII for one or more of the categories of disputes specified therein.

It also provides a facility for States to choose between them through a written declaration on ratification or accession, or thereafter. The Union believes that utilization of this facility would enhance the effectiveness of part XI, and it urges States to consider making the declaration. The jurisdiction of the International Tribunal, as set out in article 21 of its statute, which is annex VI to the Convention, comprises all disputes and applications submitted to it in accordance with the Convention and all matters specifically provided for in any other agreement which confers jurisdiction on it.

The European Union also wishes to restate its commitment to international cooperation in the management and conservation of living marine resources, and we wish to stress the importance which we attach to the fishery issues that are included under this agenda item. In this regard, the European Union is pleased to join in the consensus on the two fisheries draft resolutions before the General Assembly, that on the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of

Straddling Fish Stocks and Highly Migratory Fish Stocks and the second draft resolution, on large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and fisheries by-catch and discards.

Mr. Tello (Mexico) (*interpretation from Spanish*): We should like to express our appreciation to the Secretary-General for his wide-ranging yearly report on the law of the sea. We note with pleasure that the activities of the Organization are contributing to the effective, uniform and consistent application of the provisions of the United Nations Convention on the Law of the Sea and that they are playing an important part in consolidating its regime.

Considerable progress has been achieved in 1996 with regard to the law of the sea. The process of establishing the institutions provided for in the Convention was greatly furthered. The number of States that have ratified this important instrument bodes well for its universality. We should like to express our satisfaction at the creation of the Council of the International Seabed Authority, the election of the members of the Legal and Technical Commission and Finance Committee and the election of the Secretary-General of the International Seabed Authority, as well as the establishment of the International Tribunal for the Law of the Sea. We hope that the Commission on the Limits of the Continental Shelf will be able to begin its work in the near future.

In order for the Convention effectively to achieve its objective of strengthening peace, security, cooperation and friendly relations among all nations, in accordance with the principles of justice and equality of rights, it is necessary to ensure that both its bodies and institutions, as well as those sectors of the United Nations Secretariat charged with providing services to the secretariat of the Convention, develop the necessary capacity to discharge their respective mandates. At the same time, the States parties must strive to harmonize their national legislation with the provisions of the Convention.

As a State party to the Convention and as a sponsor of draft resolution A/51/L.21, my delegation would like to express its support for all those organs, institutions and areas. We reiterate our readiness to cooperate closely in their work.

The administrative costs of the International Seabed Authority should initially be financed through the regular budget, in accordance with General Assembly resolution 48/263 and its annex. We believe that as long as this responsibility falls on the United Nations it must ensure that it has the necessary resources to move ahead in the implementation of its substantive programme of work, in accordance with this instrument. We hope that the 1997 budget submitted by the Authority, which is currently being analysed, will be adopted as soon as possible.

I now wish to address the subjects relating to the conservation and management of highly migratory fish stocks, large-scale pelagic drift-net fishing and by-catch. In doing so I wish to reiterate the commitment of the Government of Mexico to achieve the sustainable exploitation of living marine resources and to promote at the same time the preservation and conservation of the marine environment. This is the spirit which has driven my country's participation in the preparation of various regional and international instruments on this topic.

We have undertaken various actions at the national level to implement the agreements reached in these areas, in compliance with our multilateral commitments. The seriousness with which my country's Government has applied effective measures to achieve the goals of sustainable development in the fishing sector has already been acknowledged by the international community.

Mexico is unambiguously committed to international instruments that govern fishing on the high seas. We have wide-ranging experience in the implementation of an international regime for successfully managing fishing resources on the high seas. This is the case with regard to our participation in the Agreement to Reduce Dolphin Mortality in the Eastern Tropical Pacific Tuna Fishery within the context of the Inter-American Committee on Tropical Tuna. The International Review Panel that operates in this framework, composed of representatives of Governments, producers and environmental groups, meets three times yearly to assess the conduct of the tuna fleet and to report cases of non-compliance by Member States. This Agreement has already set an important precedent at the international level as a suitable mechanism for protecting a migratory resource of importance to various countries.

At the national level my country has pursued for some years a solid, viable, scientifically based programme to ensure the sustainability of tuna fishing and to guarantee the preservation of all living marine resources. This programme is in accordance with the principles of the La Jolla Agreement and the Declaration of Panama, which Mexico has signed. In particular, it is in accordance with the principles established by the Food and Agriculture Organization of the United Nations Code

of Conduct for Responsible Fisheries, the adoption of which was actively promoted by the Government of Mexico.

This is a demonstration of our firm commitment to the principles contained in those instruments: multilateralism, the responsible utilization of renewable resources to ensure the continued availability of a valuable source of protein, employment for our people, the effective preservation of marine mammals and the use of science to protect a complex and delicate ecosystem.

However, the efforts and, above all, the important achievements that have been made to protect living marine resources, such as those of Mexico and of other member countries of the La Jolla Agreement, are threatened by desires that are alien to the protection of the environment and that place economic and protectionist interests before a responsible policy of protection and conservation of the marine ecosystem. These interests close their eyes to scientific evidence, which is the foundation of the measures that have been adopted in that and other multilateral forums.

My country is subject to a trade embargo that was unilaterally imposed in October 1990. The most significant consequence of this sanction has been the application of secondary embargoes that have led to the closure of other markets that are equally important to our national economy. It is estimated that the accumulated loss caused by the tuna embargo exceeds $350 million. Moreover, this measure has led to the closure of important canning industries, the paralysis of tuna boats and the loss of a source of work for approximately 6,000 workers.

In this context, my delegation would like to reiterate its deep concern over continued unfair practices within the context of international trade in fishing resources. It cannot but deplore the use of non-tariff barriers based on environmentalist, trade and phyto-sanitary arguments that have been imposed on various fish products from Latin America, particularly tuna. We reject the unilateral implementation of sanctions that are contrary to international law, lack scientific foundations and are counter-productive for the conservation of ecosystems and marine biodiversity.

Mexico will continue to honour the international commitments we have entered into, and we will continue to implement measures, as we have done to date. We will continue to demonstrate clearly our determination to ensure the sustainable exploitation of living marine resources. We trust that these efforts and measures will be fully acknowledged.

Mr. Pell (United States of America): I am greatly honoured to have the opportunity to address this body today to discuss a subject dear to my heart, one with which I have been involved for 50 years of my working career — namely, the law of the sea.

Today the United States once again wishes to acknowledge its long-standing support for the 1982 United Nations Convention on the Law of the Sea, which now has been ratified by 109 States. It is one of the most ambitious and complex treaties ever concluded under the auspices of the United Nations.

The United States supports the United Nations Convention on the Law of the Sea as modified by the 1994 Agreement relating to the Implementation of Part XI of the Convention. It represents a substantial achievement, embodying the unlimited possibilities that States with widely divergent views can enjoy if they work with a common resolve to create an instrument of lasting good, serving the interests of all. We are working toward its ratification, with the necessary advice and consent of the United States Senate.

We urge States to review the considerable number of declarations or statements made upon signature, ratification or accession, with a view to withdrawing those that are not in conformity with the Convention. While article 310 provides that a State may make a declaration or statement, the declaration or statement cannot purport to exclude or modify the legal effect of the provisions of the Convention in their application to that State. Article 309 of the Convention prohibits reservations, except where expressly permitted by its other articles. We support the European Union's suggestion that the Secretary-General address this issue in his next report to the General Assembly.

It is also our view that all law of the sea and ocean-related issues on the General Assembly's agenda, including those pertaining to the marine environment and fisheries, should be taken up under a single, unified agenda item rather than dealt with in a piecemeal fashion. The United Nations Conference on Environment and Development in Rio de Janeiro, as well as the Commission on Sustainable Development, endorsed recommendations that there be an annual overview of ocean issues in the General Assembly. We therefore favour inclusion in this draft resolution of a provision

calling for ocean issues at the fifty-second session of the United Nations General Assembly, and subsequently, to be taken up under a single consolidated agenda item entitled "Oceans and the law of the sea".

This year's draft resolution notes the entry into force on 28 July 1996 of the Agreement relating to the Implementation of Part XI of the Convention. This past year has seen the establishment of the International Seabed Authority, including its subsidiary organs: the Council, the Finance Committee and the Legal and Technical Commission. We are confident that the market-oriented reforms envisioned in the 1994 Agreement will be effectively implemented.

Of equal importance is the establishment in Hamburg in 1996 of the International Tribunal for the Law of the Sea. In all cases, recognizing the fiscal challenges inherent in the establishment of these important bodies, the States parties adopted an evolutionary, cost-effective approach which could serve as a model for other organizations within the United Nations system.

In 1997, we look forward to the establishment of the Commission on the Limits of the Continental Shelf, another important technical organ that will address issues related to national claims to the outer limits of the continental shelf.

We also look forward to continued steady progress on the protection of the marine environment. This year's draft resolution takes note of the Washington Declaration and the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

The Global Programme of Action, adopted by an intergovernmental conference convened by the United Nations Environment Programme, provides a comprehensive framework for protecting the world's coastal areas and marine environment. It calls for the development of a global, legally binding instrument to phase out and eliminate persistent organic pollutants. The Programme, which emphasizes the need for action at the national level, further seeks to establish a clearing-house mechanism to facilitate information exchange on land-based marine pollution. Such a mechanism would allow developed and developing countries to share information on numerous land-based activities, such as, for example, sewage and waste water, heavy metals, nutrients and sediments.

We believe that it is important to encourage institutional arrangements which facilitate cooperation between the many United Nations organizations and specialized bodies that are stakeholders in the well-being of the oceans. These organizations provide valuable information allowing government leaders to make enlightened decisions regarding our shared resources. To this end, the United States places vital importance in and encourages the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat to continue to keep this Assembly apprised of all ocean-related activities.

In summary, the objectives of the United States continue to be the promotion of widespread adherence to and implementation of the provisions of the United Nations Convention on the Law of the Sea; implementation of the Agreement in a cost-effective manner, with budgets held to the minimum; and provision for an annual overview of ocean issues in the General Assembly under a single agenda item.

To do this, we must recognize the high ideals envisioned by the drafters of this important Convention on the Law of the Sea. As a framework, it provides the basis for addressing the pressing marine environmental challenges we now face. It establishes firm and enforceable mechanisms to ensure the peaceful exploitation and sustainable development of the ocean's resources. It is up to all of us here to ensure its future success.

Mr. Iyambo (Namibia): It is now almost two years since the General Assembly, by its resolution 49/28 of 1994, decided to undertake an annual review and evaluation of the implementation of the United Nations Convention on the Law of the Sea and other developments relating to ocean affairs and the law of the sea. The same resolution requested the Secretary-General to report to the Assembly annually on developments pertaining to the implementation of the Convention, as well as on other developments relating to ocean affairs and the law of the sea.

My delegation welcomes the report of the Secretary-General, contained in document A/51/404 of 25 September 1996, regarding drift-net fishing and its impact on the living marine resources of the world's oceans and seas. Of particular note is paragraph 20 of the report, under the heading "Information provided by international organizations" and under the subheading "Conclusion", which states that:

> "On the basis of information available to FAO, the incidence of large-scale pelagic drift-net fishing in contravention of General Assembly resolution 46/215 and subsequent resolutions declined marginally in the 1995/96 period." (*A/51/404, para. 20*)

However, we have also noted with great concern that large-scale pelagic drift-net fishing is still taking place in some parts of our oceans and seas.

Namibia supports the efforts to curb large-scale drift-net fishing on the high seas in declared fishing zones and exclusive economic zones. In fact, Namibia has already banned drift-net fishing in its waters. Any person who catches fish by means of a drift-net shall be guilty of an offence and liable, on conviction, to a fine or imprisonment or both. The Namibian Government has undertaken a major and successful surveillance and enforcement programme to deter other nations from unauthorized fishing in Namibian waters and has put in place tight controls on discards of unwanted catches and wasteful fishing practices.

Furthermore, Namibia applauds and extends gratitude to the Secretary-General for the reports contained in documents A/51/383 of 4 October 1996, relating to the conservation and management of straddling fish stocks and highly migratory fish stocks, and A/51/645 of 1 November 1996.

The adoption of the Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks constitutes another significant landmark in the history of the United Nations and demonstrates the international community's desire to improve cooperation on marine issues. The Agreement will no doubt promote better management and conservation of living marine resources and will make a significant contribution to the international legal maritime order.

It is well known that Namibia is among the countries whose marine resources were exploited and plundered mercilessly by foreign trawlers during the pre-independence period. At independence in 1990, the National Assembly of the Republic of Namibia passed legislation to establish Namibia's exclusive economic zone. Thus, Namibia became one of the most recent States to take on the rights and responsibilities associated with the 1982 United Nations Convention on the Law of the Sea. Indeed, by passing this act, Namibia committed itself to a policy of responsible management and development of fisheries resources, with the two main goals of rebuilding stocks and securing benefits for Namibians from the marine resources off our shores.

Since then Namibia has built a fishing industry with an output valued at over $300 million annually, contributing between 25 to 30 per cent of Namibia's exports and providing 14,000 to 15,000 jobs. We have found the road to rebuilding our fish stocks from depleted levels to be long and hard. After five years of very conservative management, our major stocks are still only in aggregate at about half the level we think is sustainable, but we remain committed to management strategies that will continue to rebuild our stocks.

Namibia is a nation that continues to suffer from the effects of destructive fishing levels and practices, but Namibia has strongly supported recent moves for greater international, regional and subregional cooperation in the conservation and sustainable use of fish resources. Namibia knows only too well, from experience in our waters before independence, the immense destructive effect that distant fishing fleets can bring to bear in areas where they are free to fish without control. In this regard, Namibia has initiated with its neighbours, Angola and South Africa, discussions towards the establishment of a subregional organization for the purpose of conservation and sustainable use of the fish stocks of the high seas in our subregion. We look forward to working with other interested States beyond our region that are committed to enhancing global fishery resources by means of responsible fishing practices on the high seas of the South-East Atlantic.

Namibia reaffirms its support for the cooperative international and regional marine management Agreement aimed at protecting and conserving the marine environment, as embodied in the Food and Agriculture Organization of the United Nations (FAO) Code of Conduct for Responsible Fisheries. Namibia signed the Agreement, and the Assembly can be assured that Namibia will ratify it in the first half of 1997.

Finally, we note with satisfaction that most institutions relating to ocean affairs have now been established — the International Tribunal for the Law of the Sea, the Council of the International Seabed Authority, its Legal and Technical Commission and Finance Committee — and the Secretary-General of the Authority has been elected. Namibia offers its congratulations to all those individuals who have been

elected to those bodies and those who have worked so hard to establish those ocean institutions, and pledges to seriously discharge the responsibilities that it has taken on as a member of the Council of the International Seabed Authority.

Mr. Mpay (Cameroon) (*interpretation from French*): I wish first to thank the Secretary-General, and through him the entire Division for Ocean Affairs and the Law of the Sea, for the quality of the reports that provide the basis for the debate on agenda item 24 of the General Assembly, entitled "Law of the sea".

My delegation welcomes the fact that this item covers not only new developments on adherence to and implementation of the 1982 Convention on the Law of the Sea, including the establishment of the institutions it provides for, matters that the General Assembly has been following since 1983, but also all related issues pertaining to the conservation and management of biological resources of the seas and oceans previously considered by the Second Committee. This helps in the efforts under way to streamline the work of the Assembly.

A reading of the aforementioned reports shows that there were many developments in 1996 pertaining to the law of the sea, in general, and the implementation of the Convention, in particular. The universal nature of the Convention continued to be strengthened, and the number of ratifications or accessions stands today at 106. The new ratifications and accessions have come especially from regions which until recently had the most reservations about the Convention.

The 1994 Agreement relating to the Implementation of Part XI of the Convention, which has facilitated the universalization of the Convention, entered into force on 28 July 1996. Cameroon ratified the Convention before the adoption of the Agreement, and signed and is applying the Agreement provisionally and intends to take the necessary steps for ratification. But the most outstanding event of 1996 is without a doubt the establishment of almost all the institutions provided for by the Convention.

Thus, the International Seabed Authority, which under article 157, paragraph 1, of the Convention, is charged with administering the common heritage of mankind — that is to say, the seabeds and ocean floors beyond national jurisdiction — and with establishing rules and regulations for the exploration and exploitation of seabeds and ocean floors, has become operational. Its major bodies — the Assembly, the Council and the secretariat — have been set up, as have the two subsidiary bodies, the Finance Committee and the Legal and Technical Commission.

The members of the International Tribunal for the Law of the Sea were elected by the States parties and officially assumed their duties on 18 October 1996. Furthermore, the list of experts for special arbitration, provided for in annex VIII of the Convention, was drawn up by the Food and Agriculture Organization of the United Nations (FAO), the World Meteorological Organization (WMO) and the Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Several Governments have named arbitrators and conciliators pursuant to annexes V and VII of the Convention.

In electing Cameroon and Cameroonians to most of these institutions, the States parties to the Convention have recognized my country's constant contribution to the establishment of the new legal order for the seas and oceans, and we are immensely grateful to them for that recognition.

The establishment of the Commission on the Limits of the Continental Shelf, at the meeting of States parties, scheduled for March 1997, will complete the new system of institutions called upon to deal with everything pertaining to the oceans and the implementation of the Convention. The United Nations occupies an important place in this system, in view of the leading role the General Assembly has played in considering all matters relating to the Convention and, more generally, to maritime affairs, and in view of the special responsibility the Convention assigns to the Secretary-General.

All these positive developments, which we dared not even hope for a few years ago because there was so much criticism of the Convention, would not have been possible without our collective political determination to find formulas — though sometimes complicated ones — that made it possible to reconcile the various opposing interests.

My delegation hopes that these institutions will evolve, with account being taken of the close links between all the problems relating to oceans and seas and the need to consider them as a whole, as emphasized in the Convention. My delegation hopes above all that the political commitment without which the new institutions would not have emerged will make possible their development and consolidation for the good of all of

humankind, notwithstanding the financial difficulties of our respective countries.

Mr. Wang Xuexian (China) (*interpretation from Chinese*): First of all, please allow me to congratulate the President of the Meeting of States Parties to the United Nations Convention on the Law of the Sea and the President of the Assembly of the International Seabed Authority on the remarkable successes achieved under their outstanding leadership at the Meting and the Assembly. I would also like to take this opportunity to thank members of the Secretariat for their good service to the Meeting and the Assembly.

The United Nations Convention on the Law of the Sea of 1982 and the Agreement relating to the Implementation of Part XI of the Convention are basic documents providing for legal order and the rights and interests of the international community in the seas and oceans and have established a completely new oceanic legal order. China actively participated in the formulation of the Convention and the Agreement and signed both documents on the very first day they were respectively open for signature. On 15 May of this year, the Standing Committee of the National People's Congress of China adopted the decision to ratify the Convention, and on 7 July of the same year China became a State party to the Convention.

The International Tribunal for the Law of the Sea, established under annex VI of the Convention, is a judicial organ with jurisdiction over disputes in all areas regulated by the Convention. It is also an important product of the development of the international law of the sea. Now that the Tribunal has been established, we hope that it will fulfil its duty in a truly effective manner.

The International Seabed Authority, established under part XI of the Convention, is an organ managing the resources of the seabed, ocean floor and its subsoil beyond the limits of national jurisdiction. The exploration and exploitation of natural resources of the international seabed area is in the interests of all mankind. The Authority should therefore intensify its efforts in this regard. China has fulfilled in good faith its obligations as a pioneer investor, thus making important contributions to the future exploration and exploitation of the Area. China, as always, will continue to participate in the work of the Authority and in related activities of international cooperation to promote the exploration and exploitation of natural resources of the international seabed.

After a three-year effort, on 4 August 1995 the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks finally adopted the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Chinese Government sent delegations to all sessions of the Conference and made its contributions to the conclusion of the Agreement. On 6 November 1996 the Chinese Government signed the Agreement. We believe that the Agreement will play a certain positive role in the conservation and management of marine fishing resources, particularly the living marine resources of the high seas. We hope that all States parties will implement the provisions of this Agreement bona fide and in accordance with the principles and provisions of the United Nations Convention on the Law of the Sea.

In formulating documents or making arrangements on the basis of this Agreement, the regions concerned should interpret the relevant provisions with goodwill and take into full account the rights and interests of the countries concerned under the Convention. Only in this way can the Agreement be fully complied with and the relevant regional arrangements or documents be practicable.

In order to safeguard the rights and interests of coastal States provided for in the Convention, China is in the process of updating its domestic maritime legislation. The People's Republic of China's law on the territorial sea and the contiguous zones was promulgated on 25 February 1992, establishing 12 nautical miles of territorial sea and 24 nautical miles of contiguous zones. On 15 May 1996 the Chinese Government issued a statement on the baselines of part of China's territorial sea adjacent to its mainland and those of the territorial sea adjacent to its Xisha Islands. In order to exercise sovereign rights and jurisdiction over its exclusive economic zone and continental shelf, China, in accordance with the provisions of the Convention, is now in the process of elaborating the People's Republic of China's law on the exclusive economic zone and continental shelf.

China has a long coastline and numerous islands, and its claims for an exclusive economic zone and continental shelf overlap with those of some neighbouring States with opposite or adjacent coasts. We believe that these problems should be worked out through negotiations, as provided for in articles 74 and 83 of the

Convention. In its decision to ratify the Convention, the Standing Committee of the National People's Congress of China also calls for delimitation of the boundary of maritime jurisdiction through consultations with States with coasts opposite or adjacent to China, respectively, on the basis of international law and in accordance with the principle of equity. China has already started such consultations with the States concerned, which have helped to enhance mutual understanding and trust.

With the support and assistance of the Chinese Government, the 24th Pacem in Maribus conference was held in Beijing last month. This non-governmental organization meeting, initiated by Professor Elisabeth Mann Borgese of Germany and the International Ocean Institute of which she is the Director, was attended by over 150 jurists and ocean scientists from China and more than 20 other countries. Extensive discussions were held on law, resources, environment and management of the oceans, centring around the theme of oceanic management and the twenty-first century. The Beijing declaration on oceans was adopted at the Conference. It proposes the establishment of a new oceanic order in the twenty-first century, as well as the joint management and scientific development of marine resources on an equitable and peaceful basis so as to maintain the ecological balance of oceans and achieve the sustainable development of marine resources. It calls on States parties to the Convention to strengthen cooperation and establish joint management and development zones of marine resources. It also emphasizes peaceful settlement of disputes between States over islands and territorial seas.

The future of mankind hinges on oceans. A new era has come for the joint development and exploitation of marine resources. All countries should strengthen cooperation and jointly manage, develop in a scientific manner and intensify protection of marine resources so that they can bring greater benefit to mankind.

Ms. Hakim (Indonesia): It is with deep satisfaction that my delegation is participating in the debate on the item entitled "Law of the sea". In the 14 years since the 1982 United Nations Convention on the Law of the Sea was adopted, its achievements have surpassed our expectations. It has become the primary source of contemporary international law governing man's activities in the oceans. This innovative document has established a comprehensive legal regime for the uses of the sea and equity in the distribution of its resources. It has replaced instability and confusion with generally acceptable legal norms that have guided State practice. The Convention has also had a significant impact on promoting cooperation between States on all ocean-related matters. It symbolizes the beginning of a new era in the codification of international law. It is a product of long and intensive negotiations — a process that took into account the interests of all States: developed, developing, coastal and landlocked States.

Our deliberations are being held against the backdrop of some significant developments, as reported in the Secretary-General's report on the law of the Sea (A/51/645). Over the past year, the entry into force, on 28 July 1996, of the Agreement relating to the Implementation of Part XI of the Convention was followed by its ratification by more than 100 States parties to the Convention, marking the culmination of what can aptly be described as the most significant body of international law since the principles and precepts enshrined in the United Nations Charter. This has paved the way for the establishment of new ocean institutions, including the International Seabed Authority and the International Tribunal for the Law of the Sea.

Furthermore, it is pertinent to note that the International Seabed Authority has concluded, in accordance with the Convention, the adoption of its budget and elections for the members of the Finance Committee and the Legal and Technical Commission. We are heartened that the next step of the process will be completed with the election of members of the Commission on the Limits of the Continental Shelf, scheduled to be held during the Meeting of the States Parties to the Convention in March 1997. Indeed, all these important milestones augur well for the full application and implementation of the many facets of this landmark document.

Indonesia, as an archipelagic State, is a firm supporter of the Convention and, ever since ratification in 1985, has been committed to the task of reviewing its legislation with a view to harmonizing national laws to make them consistent with the provisions of the Convention and also to providing new laws and regulations. Towards this objective, Indonesia enacted Law No. 6/1996, of 8 August 1996, to govern its waters in conformity with the provisions of the Convention.

In line with the spirit of the Convention on the Law of the Sea, Indonesia and its neighbouring States have actively promoted regional cooperation, particularly to prevent conflicts in the South China Sea and in the Pacific and Indian Oceans within the context of preventive diplomacy. In this regard, it was pleased to host a series of workshops on managing potential conflict

in the South China Sea, which contributed to fostering confidence-building measures and promoting cooperation among regional States on the protection of the marine environment and resource management.

Furthermore, Indonesia has participated within the framework of the Indian Ocean Marine Affairs Cooperation (IOMAC), which is based in Colombo, which has initiated various programmes to promote cooperation in the Indian Ocean region. One important form of cooperation is the establishment of institutional arrangements effectively to manage and develop tuna resources. In this regard, my delegation should like to inform the Assembly that Indonesia is currently in the process of ratifying the Agreement for the establishment of the Indian Ocean Tuna Commission (IOTC). Indonesia has also exerted its efforts to enhance cooperation for the conservation and management of shared resources, particularly tuna, between South-East Asia and the South Pacific, as well as between South Pacific and Pacific Latin American countries.

The adoption of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks was indeed a timely and important development to overcome the problems of excessive over-fishing on the high seas and coastal waters of States.

In this regard, my delegation has noted the contents of the Secretary-General's reports on this item (documents A/51/383 and A/51/404), particularly the information provided by international organizations and the report of the Food and Agriculture Organization of the United Nations (FAO), which, following its examination of approximately 70 per cent of the world's marine capture fisheries resources, concluded that there was no major improvement in the conservation and management of fisheries resources.

It is against this backdrop that the ratification by States and strict implementation of the provisions of the United Nations Agreement within the framework of the Convention are deemed essential. At the same time, the 1993 Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and the 1995 Code of Conduct for Responsible Fisheries are other important initiatives in addressing the need for rational and long-term utilization of high seas fisheries.

For developing countries, technical cooperation plays an essential role in enabling them to meet their responsibilities and to enhance their ability to participate in utilizing fisheries resources in the high seas and coastal waters. As was stressed in the Final Document of the Tenth Summit of the Non-Aligned Movement held in Jakarta in September 1992 and later reiterated at the meeting held in Cartagena last year, North-South and South-South cooperation is indispensable for accelerating development. In this regard, my delegation is of the view that various models, arrangements and initiatives, such as the South Pacific Forum Fisheries Agency and IOMAC could be strengthened and utilized for implementing the relevant provisions of the United Nations Agreement. For the appropriate management of high seas fisheries as well as that of the exclusive economic zones, the developed countries should transfer the necessary technology to developing countries to enable them better to conduct scientific research, handle data and pursue fisheries operations in a more responsible manner.

We now face the formidable task of implementing the comprehensive global framework of ocean management. It is therefore imperative that the General Assembly remain seized of this item not only to ensure the development of newly created ocean institutions, but also to enhance cooperation in the field of ocean activities.

Finally, as in previous years, the Indonesian delegation takes great pleasure in being a sponsor of the draft resolution on the law of the sea and hopes that Member States will lend it their support.

Miss Durrant (Jamaica): On behalf of the member States of the Caribbean Community (CARICOM) which are Members of the United Nations, I wish to thank the Secretary-General for the reports contained in documents A/51/383, A/51/404 and A/51/645, submitted under agenda item 24, "Law of the sea".

This subject is one of tremendous importance to the delegations of the member States of CARICOM. Most of our countries are island developing nations and all are washed by the waters of the Caribbean Sea.

We recognize the importance of the effective implementation of the United Nations Convention on the Law of the Sea and its uniform consistent application. We have a deep-rooted interest in the regime for the ordering of affairs concerning the seas and ocean space. The preservation and responsible exploitation of these

resources, respect for sovereign rights over territorial waters while respecting freedom of navigation on the high seas, concern for the marine environment and a commitment to the harnessing of the vast resources of the oceans and ocean floor in the interests of all mankind are principles and practices to which our countries are committed.

It is therefore an honour for CARICOM that Jamaica hosts the headquarters of the International Seabed Authority, which has a vital leadership role to play in the law of the sea and ocean affairs.

Our delegations are pleased that, early this year, the International Seabed Authority finally established its institutional framework with the election of a Secretary-General, Ambassador Satya Nandan of Fiji, the election of a President of the Assembly, Mr. Lennox Ballah of Trinidad and Tobago, and the constitution of its Council and vital committees.

The Authority is now poised to begin in earnest the significant task ascribed to it by the international community. It will do so with the blessing and support of the General Assembly, which, in resolution 48/263, wisely provided for the proper launching of the Authority by providing for its funding for one year after the coming into force of the implementing Agreement.

Our delegations welcome the fact that the International Tribunal of the Law of the Sea has been constituted and was inaugurated in Hamburg, Germany, in October this year. CARICOM is pleased that our region was able to contribute two judges to the panel of the Tribunal, Ambassador Edw ard Laing of Belize and Mr. L. Dolliver Nelson of Grenada.

We look forward to the constitution of the Commission on the Limits of the Continental Shelf in March 1997, as this will complete the establishment of institutions required under the Convention.

We call for the fullest understanding and cooperation between the United Nations and the new institutions for the law of the sea. This should include not only technical collaboration, but also administrative support and assistance in this crucial start-up phase. The United Nations, we believe, should facilitate full access to the common system and other administrative facilities pending the negotiation of full-relationship agreements with the International Seabed Authority and the International Tribunal for the Law of the Sea. Since the Convention on the Law of the Sea entered into force in 1994, 28 more States have acceded to the Convention, bringing the number today to 109. We urge all States not now parties to accede to the Convention as soon as possible so that the goal of universal acceptance of the Convention may be achieved.

It is gratifying to note that many States have begun to consider and apply the important provisions of the Convention in delimiting maritime boundaries and in developing important and relevant aspects of national legislation.

The oversight role of the General Assembly and the continuing submission to it of comprehensive reports on matters pertaining to the law of the sea and ocean affairs are very important. This oversight role will no doubt be enhanced by the participation of the main organs created under the Convention — the International Seabed Authority and the International Tribunal for the Law of the Sea — in the work of the Assembly. We are pleased that the Authority has been granted observer status in the General Assembly and look forward to similar action being taken with respect to the Tribunal in the coming days.

CARICOM countries place strong emphasis on the law of the sea and its relationship to issues affecting small island developing States. In this connection, we wish to draw the Assembly's attention to the provisions of Agenda 21 and the Barbados Programme of Action for the Sustainable Development of Small Island Developing States relating to the protection of oceans, seas and coastal zones.

Small island developing States are most sensitive to the impact of developments within or affecting the seas and ocean spaces. In the relevant provisions of Agenda 21 and the Barbados Programme of Action, emphasis is placed on the sustainable development of oceans and seas and on the protection and preservation of the marine environment. In the Caribbean, meaningful steps are being taken to address the marine environmental concerns of the region within the context of the Caribbean environment action plan as part of the Regional Seas Programme of the United Nations Environment Programme. Draft resolution A/51/L.21 before us makes reference to these matters and takes note of the need for cooperation at all levels in order to ensure the orderly and sustainable development of the uses and resources of the seas and oceans.

An important element in our consideration of the law of the sea and ocean affairs must be the development and transfer of technologies which can effectively harness the vast resources of this area. Efforts by a number of States to develop pioneering technology for seabed mining and ongoing research on the preservation of the marine environment, as well as the beneficial exploitation of marine resources, are encouraging. We look forward to the progressive development and sharing of technology in this important area.

We must also be mindful of the relevance of the law of the sea to the development and preservation of international peace and security. The Convention provides a most important framework for action on matters such as jurisdiction over territorial waters, responsibilities in the exclusive economic zone, the delimitation of maritime boundaries and the designation of archipelagic areas. The framework has given clarity to processes which might otherwise have been more difficult and subject to great uncertainty. It has helped many States to order relevant national legislation and agreements with other States.

Our delegations wish to reiterate our concern that, in regions such as ours — with its fragile ecosystem and the dispersal of small inhabited island States throughout the Caribbean — all parties show due concern for the potential impact of the movement of hazardous materials.

I wish to re-emphasize how important it is that this Assembly ensure that the International Seabed Authority be given adequate resources to ensure that it is properly established. Its Assembly and its Finance Committee have submitted a carefully considered budget which has been meticulously tailored to fit the needs of the Authority in its establishment phase. The budget will be before the General Assembly in the next few days.

We wish to express our support for the United Nations Convention on the Law of the Sea and for ongoing efforts to strengthen regimes to protect maritime areas and to foster the beneficial use of the many resources of the seas and oceans for the benefit of mankind. In this connection, we are pleased to give our support to the draft resolutions contained in documents A/51/L.21, A/51/L.28 and A/51/L.29. We call on all delegations to give their support to these draft resolutions.

Mr. Hahm (Republic of Korea): On behalf of the delegation of the Republic of Korea, I would like to express our sincere appreciation to Mr. Hans Corell, United Nations Legal Counsel, and his staff for their valuable work on the comprehensive and informative reports of the Secretary-General, as contained in documents A/51/383, A/51/404 and A/51/645. Our deep thanks also go to our distinguished colleagues of New Zealand and the United States, who successfully conducted the informal consultations on draft resolutions A/51/L.21, A/51/L.28 and A/51/L.29.

Two years have passed since the entry into force of the United Nations Convention on the Law of the Sea. The adoption of the Convention was epochal in the sense that it marked the establishment of a new global maritime order by the international community through compromise and accommodation rather than through the whim of laissez-faire or the use of force. Over the past two years, 49 countries have ratified and acceded to the Convention, bringing the total number of States parties now to 109. My delegation welcomes the rapid increase in the number of States parties that has occurred since the entry into force of the Convention.

For the Convention to have a universal character, however, it will require the participation of many of those countries that have not yet become States parties. Given the paramount importance of law and order on the sea to the peace and prosperity of mankind, and the enormous contribution of the Convention towards this end, it is essential that the Convention be granted the universality necessary for it to become a new charter, governing all the matters of the oceans. The fundamental objective of the Convention is to promote the peaceful, sustainable and harmonious use of the sea, which will require all States to adhere to the Convention's letter and spirit. In this vein, I wish to echo the appeal of other previous speakers to non-States parties to ratify or accede to the Convention as early as possible.

As a maritime State, my country attaches great importance to the successful conclusion and effective implementation of the Convention. The Republic of Korea became a party to the Convention through the deposit of its instrument of ratification last January. Along with measures to join the new regime on the law of the sea, my Government has also introduced a series of measures to bring its domestic laws and regulations in line with the provisions of the Convention. For this purpose, the Korean Government revised its Territorial Sea and Contiguous Zone Act last August and enacted the Exclusive Economic Zone Act last September. Earlier this year, a new Korean Ministry of Ocean and Fishery Affairs was established to give greater breadth and coordination to our approach to ocean and fishery affairs.

We believe that these combined measures will enable the effective and efficient implementation of the Convention in Korea.

With the establishment of various organs under the Convention this year, the Convention's legal regime is entering a new phase of concrete action. Together with the entry into force last July of the 1994 Agreement relating to the Implementation of Part XI of the United Nations Convention, the completion of the composition of the Council of the International Seabed Authority and its two subsidiary bodies, the Finance Committee and the Legal and Technical Commission, offers us a fair chance to embark on institutional preparation for deep-seabed mining.

We would also like to welcome the inauguration last October of the International Tribunal for the Law of the Sea, which we believe will play a pivotal role in the peaceful settlement of disputes arising from the interpretation or application of the Convention. Following the last remaining election of members of the Commission on the Limits of the Continental Shelf next March, the institutional regime of the Convention is expected to be complete and fully operational.

Let me now turn to fishery-related issues. It is my pleasure to announce that the Government of the Republic of Korea, on 26 November 1996, signed the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The Korean Government intends to submit the Agreement to the National Assembly for ratification next year.

As a responsible fishing State, Korea has relied on a consistent policy of positively contributing to the conservation and management of marine living resources for sustainable utilization. Pursuant to chapter 3 of the Agreement on straddling fish stocks and highly migratory fish stocks, the Republic of Korea actively participated last year in the various regional fishery organizations encompassing the northern and southern Pacific, the Indian Ocean and the Atlantic Ocean. This coming year, we plan to expand our participation further to include other regional fishery organizations, such as the Convention for the Conservation of Southern Bluefin Tuna (CCSBT) and the North Pacific Anadromous Fish Commission (NPAFC).

In light of the consistent efforts of the Korean Government faithfully to live up to all relevant resolutions of the General Assembly related to fisheries, it is regrettable that the section of the report of the Secretary-General (A/51/404) on drift-net fishing contains an unfounded allegation that Korean vessels are engaged in drift-net fishing in the Mediterranean Sea. I would like to make it clear once again that the Government of the Republic of Korea has, since January 1993, taken all necessary measures to suspend drift-net fishing operations by Korean flag vessels, in full compliance with General Assembly resolution 46/215. At considerable financial and social cost, the Korean Government has scrapped all remaining drift-net fishing vessels and diverted fishermen to alternative employment. We would like to request that the Secretariat correct this unfair inaccuracy in an appropriate manner and that, in future, it verify with the authorities concerned, prior to publication, the authenticity of similar information to be contained in reports.

It has taken more than a decade to bring into effect the new law of the sea enshrined under the Convention. We may perhaps have to wait another decade to see the objectives of the Convention fulfilled at the domestic level. Given the broad scope and complex array of national interests involved, the road to domestic implementation may be a rocky one. Yet the willingness of each State party to adhere to the Convention in the process of domestic implementation is essential for making it an effective, viable and enduring legal instrument. In this regard, States parties to the Convention should step up concerted efforts to strengthen technical cooperation and information sharing with a view to ensuring the uniform and consistent application of the Convention and a coordinated approach to its effective implementation.

Meanwhile, many law of the sea issues are prone to disputes due to their far-reaching economic, military, social and political implications. It is thus imperative for the peace and security of the international community that all maritime disputes be settled through the peaceful means set forth in the Convention. A wide range of real or potential disputes regarding fishing, navigation, delimitation, marine pollution or marine scientific research are currently looming over most of the world's oceans. The successful establishment of the new maritime order now hinges on whether we are able to resolve our maritime disputes in a peaceful manner. Our success in navigating the obstacles that lie ahead will determine whether the last frontier to mankind on Earth proves to be a source of peace and prosperity or one of friction and confrontation for the international community in the next century.

In my country's home region of North-East Asia, numerous complicated maritime issues between various States are awaiting an amicable solution. The peaceful resolution of these issues will be indispensable to the maintenance of peace and stability in North-East Asia. I would like to emphasize that no maritime regime in North-East Asia can be viable without close cooperation and smooth coordination at the subregional level. Taking this opportunity, the Korean Government wishes to reiterate its commitment faithfully to settle any maritime issue with its neighbouring States in a manner consistent with the relevant provisions of the Convention.

Programme of work

The President: I should like to inform members that the Assembly will consider the report of the General Committee on action taken at the Committee's meeting this morning as the first item on Tuesday morning, 10 December 1996.

I should like to inform members that tomorrow, 10 December, Human Rights Day, is to be observed by the United Nations. The Secretary-General and the President of the General Assembly will make statements. I wish to underline the importance of the occasion and the commitment we all make to that issue and hope that that commitment will be properly manifested tomorrow and that statements will not be made to a virtually empty Hall.

The meeting rose at 12.55 p.m.